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E-FILED on 07/06/09

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

LAFAYETTE HAYES,

Plaintiff,

v.

DR. WILLIAMS, et al.,

Defendants.

No. C-05-00070 RMW

ORDER REGARDING THE PARTIES'
CONSENT TO PROCEED BEFORE A
MAGISTRATE

On September 9, 2008, the parties in this case filed a joint case management statement which stated in paragraph 13 that, "[t]here has not been consent to proceed before a magistrate judge for all purposes." Joint Case Management Conference Statement ¶ 13 (Docket No. 32). On February 27, 2009, the parties again filed a joint case management statement, but this time stated in paragraph 13 that "[t]he parties consent to have a magistrate judge conduct all further proceedings including trial and entry of judgment." Joint Further Case Management Conference Statement ¶ 13 (Docket No. 44). On July 2, 2009, plaintiffs filed a separate case management statement including the same statement regarding consent to proceed before a magistrate. Plaintiff's Further Case Management Conference Statement ¶ 13 (Docket No. 53). The court has been informed by plaintiff's counsel that plaintiff may not, in fact, consent to proceed before a magistrate. If the parties have agreed to proceed before a magistrate, the court requests that they file a consent form so stating. The form is available from the Northern District of California web site. If the parties do not consent to proceed

ORDER GRANTING DEFENDANT'S REQUEST FOR EXTENSION OF TIME—C-05-00070 RMW
MAG

1 before a magistrate, they should file a withdrawal, in writing, of the consent that appears to have
2 been given in the case management statements filed with the court.

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5 DATED: 07/06/09

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RONALD M. WHYTE
United States District Judge

1 **Notice of this document has been electronically sent to:**

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8 Counsel are responsible for distributing copies of this document to co-counsel that have not
9 registered for e-filing under the court's CM/ECF program.

10
11 **Dated:** 07/06/09

12 JAS
13 Chambers of Judge Whyte